

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09 CR 6
)	
ALFRADO WHITE,)	
)	
Defendant.)	

MEMORANDUM ORDER

Alfrado White ("White") had just filed a self-prepared document captioned "Post-Conviction Motion for the Downward Departure of Sentence Based on the Substandard Pre-Trial Confinement, Non-Federal Facility." But White's sentence was imposed over 15 months ago--on May 14, 2010--and 28 U.S.C. §2255(f) establishes a one-year limitations period for any such post-conviction motions. Accordingly White's motion is denied out of hand.

Although this ruling as to White's untimeliness in seeking a reduction in his sentence is conclusive in terms of his disentitlement to relief, it should be added that the sentencing memorandum that was filed on his behalf by his Federal Defender counsel, which this Court considered carefully in arriving at the sentence actually imposed, was a first-rate piece of work that led to a materially lower sentence than government counsel sought and than his crimes would ordinarily have called for. As the government's response to White's sentencing memorandum stated,

the advisory guideline range was 100 to 125 months, and the United States sought to have his custodial sentence imposed at the high end of that range. This Court instead not only imposed a 75-month custodial sentence but ordered that it run concurrently with (not consecutive to) the substantial sentence he was already serving on a state conviction--provisions that in this Court's view fully met the standards of 18 U.S.C. §3553(a).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

Milton I. Shadur
Senior United States District Judge

Date: August 31, 2011